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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,358	01/17/2002	Friedrich J. Ehrlinger	ZAHFRI P 396US	6919
20210	7590	06/16/2004	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			PANG, ROGER L	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,358

Applicant(s)

EHRLINGER, FRIEDRICH J.

Examiner

Roger L Pang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 18 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17, 18 and 24-29 is/are allowed.
- 6) ☒ Claim(s) 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The following action is in response to the amendment filed for application 10/031,258 on May 11, 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tabata '570.

Tabata teaches an electrodynamic drive system for a vehicle located between a drive source 12 and a transmission 10, having a single planetary gear set 16, the single planetary gear set consisting of a single sun gear 16s, a single internal gear 16r, and a single planetary gear carrier 16c comprising at least one planetary gear, wherein the planetary carrier is connected to the transmission (Fig. 1), the internal gear is connected to the drive source (via CE1) and the sun gear is bound to at least one electric motor 14, with a shift clutch CE2 between the planetary gear carrier and the sun gear operable to bypass the planetary gear set (Fig. 1), and a control.

Sherman lacks the teaching of said electric motor being regulated in a 4-quadrant operation, however, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sherman to employ an electric motor and control operable in a 4-quadrant operation, since it has been held that where the general conditions of a claim are disclosed in prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

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Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tabata in view of Toyoda. Tabata teaches an electrodynamic drive system for a vehicle located between a drive source 12 and a transmission 10, having a single planetary gear set 16, the single planetary gear set consisting of a single sun gear 16s, a single internal gear 16r, and a single planetary gear carrier 16c comprising at least one planetary gear, wherein the planetary carrier is connected to the transmission (Fig. 1), the internal gear is connected to the drive source (via CE1) and the sun gear is bound to at least one electric motor 14, with a shift clutch CE2 between the planetary gear carrier and the sun gear operable to bypass the planetary gear set (Fig. 1). Tabata lacks the teaching of a plurality of electric motors on the sun gear acting upon the planetary drive. Toyoda teaches a transmission, wherein a plurality of motors 62,63 act upon a single component 86 of a reduction drive. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tabata to employ a plurality of electric motors in view of Toyoda in order to provide maximum efficiency in different operational regions (Col. 3).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tabata in view of Schneider '618. Tabata teaches an electrodynamic drive system for a vehicle located between a drive source 12 and a transmission 10, having a single planetary gear set 16, the single planetary gear set consisting of a single sun gear 16s, a single internal gear 16r, and a single planetary gear carrier 16c comprising at least one planetary gear, wherein the planetary carrier is connected to the transmission (Fig. 1), the internal gear is connected to the drive source (via CE1) and the sun gear is bound to at least one electric motor 14, with a shift clutch CE2 between the planetary gear carrier and the sun gear operable to bypass the planetary gear set (Fig. 1). Tabata lacks the teaching of said shift clutch being a dog clutch. Schneider teaches a shift clutch 32 that

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comprises of a dog clutch. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tabata to employ a dog clutch in view of Schneider in order to provide a simpler clutch actuating structure.

Allowable Subject Matter

Claims 17-18, and 24-29 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 21-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kato has been cited to show a similar transmission.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L Pang whose telephone number is 703-305-0445. The examiner can normally be reached on 5:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. Pang', with a stylized flourish extending from the top right.

Roger L Pang
Patent Examiner
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June 9, 2004